

Call to Order/Pledge of Allegiance/Attendance

The December 14, 2021 meeting of the Newtown Village Council was called to order at 6:30 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

Council Members: Don Carroll (Vice Mayor)
Daryl Zornes (excused)
Chuck Short
Curt Tietmeyer
Terry Fairley
Sarah Williams

Solicitor Emily Supinger
Fiscal Officer Keri Everett
Assistant to Mayor Becky Fairley
Police Chief Tom Synan

Proclamation Honoring Lynn Burger

Mayor Kobasuk read the following proclamation honoring Lynn Burger. Ken Burger thanked Mayor Kobasuk and Village Council for the long-term working relationship Burger Farm has had with the Village of Newtown and look forward to the future as the Burger legacy continues. Lynn Burger passed away on November 3, 2021 at the age of 79 years, after complications due to COVID-19. He will be greatly missed by many!

PROCLAMATION HONORING LYNN ALLEN BURGER

WHEREAS, Lynn Allen Burger was born on June 21, 1942 and raised in Newtown, Ohio, where his family has lived and worked since 1904; and

WHEREAS, Lynn Burger proudly served in the United States Air Force for 20 years, including two tours of duty in Vietnam. He was the recipient of two bronze stars in recognition of his exemplary military service and dedication to country; and

WHEREAS, Throughout his life, Lynn Burger selflessly offered his time and talent to honor military veterans. As the President of the Newtown Veterans Association, Lynn Burger was instrumental in the placement of two bronze monuments at the Newtown Veterans Memorial in Moundview Park: a “Fallen Soldier” monument to honor present-day veterans and a “Taps” monument to honor all servicemen and servicewomen who have served over the past 100 years; and

WHEREAS, Lynn Burger was an active member of the Newtown business community. He was a treasured fixture at Burger Farm and Garden Center, where he was known simply as “Mr. Burger.” Generations of families who flocked to Burger Farm every October for the Pumpkin Festival were gleefully greeted and entertained by Mr. Burger; and

WHEREAS, Lynn Burger always remained passionate about the Village of Newtown, and contributed his time, hard work, and talent to advancing the Newtown business community by, among other things, serving as the president and founding member of the Village of Newtown Business Association; and

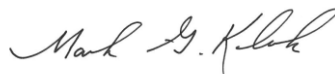
WHEREAS, on November 3, 2021 Lynn Burger passed away at the age of 79. He was preceded in death by his wife of 55 years, Judy. He is survived by his two sons, many grandchildren and great-grandchildren, and his siblings; and

WHEREAS, Lynn Burger is an exceptional example of commitment for all citizens, service men and women, veterans, and business leaders through his service to country, family, and community; and

WHEREAS, Lynn Burger will be dearly missed by the Newtown community;

NOW THEREFORE, I, Mark Kobasuk, by virtue of the authority vested in me as Mayor of the Village of Newtown, do hereby recognize Lynn Allen Burger for his many contributions and urge all citizens of the Village of Newtown to remember Lynn Allen Burger and his family on this 14th Day of December, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the Village of Newtown, Ohio this 14th Day of December, 2021.



Mayor Mark Kobasuk

Police Department - Swearing-In Full-time Police Officer

Mr. Short made a motion to hire Zachariah T. Smith as a full-time Police Officer for the Village of Newtown. Mr. Fairley seconded the motion. All Aye. Motion Carried.

Mayor Kobasuk performed the Oath of Office, Swearing-In Zachariah T. Smith as a full-time Police Officer for the Village of Newtown. Everyone congratulated and welcomed Police Officer Smith to the Village of Newtown.

Civic League Award of Scholarship

Mr. Short proudly presented resident Hailee Miller with a scholarship from the Newtown Civic League. Hailee plans to become a pediatric nurse. The Village of Newtown is proud of Hailee and her accomplishments – Hailee is grateful to have been raised in Newtown by her grandmother Brenda Kay Kiser.

APPROVAL OF COUNCIL MINUTES

Mr. Fairley made a motion to approve the 11.09.2021 and 11.30.2021 Council Minutes, motion was seconded by Mr. Zornes.

11.09.2021 Council Minute Discussion

Mr. Tiettmeyer asked that the 11.09.2021 Council Minutes regarding the \$7,700 additional expenditure to Motz Turf Farm for the Short Park Field Project be revised. The original minutes presented for approval stated “Mayor Kobasuk said the Village received a great deal and told Mr. Tiettmeyer he just wanted to attack the Mayor.” Mr. Tiettmeyer said that is not true that he does not attack people. Mr. Tiettmeyer said Mayor exceeded his \$5,000 spending authority by approving a \$7,700 change order without council’s prior approval. Mayor Kobasuk reminded the audience he applied for a grant during COVID-19, Spring 2020 and was awarded \$50,000 for a soccer field at Short Park. The money was flagged in Hamilton County’s system as being late so the money for the soccer field had to be spent by October 15, 2021. Motz Turf Farm was spreading the field, leveling the dirt. Mayor Kobasuk received a phone call that additional dirt was required to complete the project safely. There was no time for Mayor Kobasuk to call a special council meeting due to the October 15th deadline. Mayor Kobasuk said due to time constraints, he spoke with Mr. Carroll and Solicitor Supinger. Mayor Kobasuk said he approved the \$7,000 for dirt to get the field completed so the Village would have access to the \$50,000 grant and not lose this money. And Mr. Tiettmeyer doesn’t want to approve the invoice which turned out to be \$7,700 because Motz Turf had to bring in “one” additional load of dirt for \$700. Motz Turf Farm’s original bid for the new soccer field at Short Park was \$49,340.00 – the next lowest bid was \$122,686 from Evans Landscaping. Motz Turf Farm installed the new soccer field at Short Park for half the cost of the \$122,686, but Mr. Tiettmeyer, Mr. Zornes and Ms. Williams voted “NO” at the 11.09.2021 Council Meeting to not approve the Resolution for the Change Order with Motz Turf Farm.

Mayor Kobasuk said the 11.09.2021 Minutes will be taken under advisement and presented at the next Council Meeting for approval.

Mr. Fairley made a motion to approve the 11.30.2021 Special Council Minutes, Mr. Short seconded the motion. All Aye. Motion Carried.

Village Solicitor’s Report (Solicitor Supinger)

Court of Appeals - Soccer Appeal Decision

The First District Court of Appeals affirmed the Trial Court’s decision, citing the Trial Court did not abuse its discretion in putting more weight on the expert testimony provided during the hearing and less weight on the testimonies of the residents that spoke out in opposition. There is an option for an appeal to the Ohio Supreme Court that must be filed by 1.17.2022 and it would be rare for this type of case to be accepted. Solicitor Supinger will discuss with Building/Zoning Commissioner Gerry Stoker the actual issuance of the Conditional Use Permit, which we would do after the appeal time has been exhausted with no determination to pursue any type of appeal. The Soccer Club will have to go through site-plan approval which come before the Planning Commission.

Solicitor Supinger needed to leave for another meeting and was excused from the Council Meeting at 7:00pm.

SPECIAL PRESENTATIONS

Police Officer & Resident Recognition

Newtown Police Chief Tom Synan presented Police Officer Andrew Niederschmidt with a Medal of Merit and resident Megan Allen with the first Citizen Service Medal for their courageous and quick actions displayed during a recent home invasion attempt. Their actions and the RING camera resulted in a quick apprehension of the suspect.

1. **Church Street North Paving (20045)**
 - Construction complete.
 - Final Pay Request has been approved. Sent to Village on 12/9/21.
 - Final construction contract will be \$68,000 below the contract amount.
2. **Moundview Park (20078)**
 - Soil absorption test was completed on 6/30/21. Upper grass area did not test well. BCI and Village are coordinating to excavate test holes in the lower turf area north of the ball field.
 - In discussion the OEPA, mound filtration system may be best. Will reduce the annual inspection and reporting cost.
3. **Short Park Improvements, Phase I – Trail Improvements (21041)**
 - Motz Turf Farm was approved to berm the trail at 9/23/21 Council meeting. Village is coordinating.
4. **Short Park Parking Lot (21064)**
 - Complete design to bid the project in 1st quarter of 2022. Consider bundling it with Lake Barber Trail Connector and Municipal Parking Lot.
5. **Short Park New Soccer Field (21065)**
 - Soccer Field grading/sod is complete.
6. **McCullough's Run (20119)**
 - Update on alternatives and cost.
7. **Lake Barber Trail Connector (21090)**
 - Draft plans forwarded to Duke on 8/16/21. Duke approved the alignment on 11/11/21.
 - Final plans to be submitted in Jan/Feb.
 - May want to bid with the Short Park Parking Lot and the Municipal Parking Lot.
8. **Little Dry Run Road Speed Study and Traffic Calming (21007)**
 - BCI has scheduled draft report for December.
9. **Municipal Building Parking Lot (21007)**
 - BCI to assist in obtaining quotes as requested.
10. **Ivy Hills Blvd**
 - Surface pavement is raveling at several locations on Ivy Hills Blvd. Please see attached photo. BCI will work with the Village to obtain quotes to repair this year if possible.
11. **MRF/OPWC Applications (21007)**
 - MRF Applications submitted 9/17/21.
 - OPWC Applications Preliminary Scores released 11/30/21. Church Street scored slightly higher because it was the number one priority. Condition scores were the same.
 - Church Street South, \$126,500 (local share).
 - Little Dry Run, \$125,000 (local share).
12. **Turpin Lane Drainage**
 - Ultimate solution to involve Hamilton County, USACOE, Anderson Township and possibly ODOT to clean the ditch line.
 - A flap valve being reinstalled in a catch basin in the drainage swale on the east side of Turpin Lane is an alternative solution.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Swearing-in newly elected Council Members will take place January 1, 2022 at 10:30am at the Village Municipal Building.

Council Members Reports

Employee Gift Cards

Mayor Kobasuk suggested raising the amount this year from the current \$50.00, which has not been raised for many years to \$75.00 for each eligible employee. Council agreed.

Mr. Fairley made a motion to approve \$75.00 for each eligible Village employee to receive an appreciation gift card. Mr. Short seconded the motion. All Aye. Motion Carried.

LEGISLATION

Ordinance, Temporary Appropriations 2022

The Council of the Village of Newtown desires to approve temporary appropriations for the fiscal year ending December 31, 2022.

Mr. Tiettmeyer made a motion to suspend the rules. Ms. Williams seconded the motion. All Aye. Motion Carried.

Mr. Tiettmeyer made a MOTION TO ADOPT ORDINANCE NO. 19-2021 AN ORDINANCE APPROVING TEMPORARY APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWTOWN FOR FISCAL YEAR 2022. Ms. Williams seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Fairley-Yes, Ms. Williams-Yes, Mr. Carroll-Yes, Mr. Short-Yes. Motion Carried.

Resolution, Contract w/Evans Landscaping – McCullough’s Run Culvert Clean-Out at Ivy Hills

The Village of Newtown desires to enter into a contract with Evans Landscaping to clean out the McCullough’s Run culvert at Ivy Hills Blvd. Contract is not to exceed \$18,175.00.

Mr. Short made a motion to suspend the rules. Mr. Carroll seconded the motion. All Aye. Motion Carried.

Mr. Short made a motion to adopt RESOLUTION NO. 33-2021 A RESOLUTION APPROVING A CONTRACT WITH EVANS LANDSCAPING. Mr. Fairley seconded the motion. Roll Call: Mr. Short--Yes, Mr. Fairley-Yes, Mr. Carroll-Abstain, (due to benefiting as a resident) Mr. Williams-Yes, Mr. Tiettmeyer-Yes. Motion Carried.

New Business

Council Checklist

Mr. Tiettmeyer made a motion to approve Council Checklist dated 12/14/2021 for \$577,813.13. Ms. Williams seconded the motion. All Aye. Motion Carried.

Merry Christmas Y’all

Mr. Short wished everyone a very Merry Christmas!

Mr. Carroll made a motion to adjourn at 7:22 pm, Mr. Fairley seconded the motion. All Aye. Motion Carried.

Transcribed by Becky Fairley